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Report of the Working Group on the Universal Periodic Review*

Morocco

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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I. Introduction

1. The Kingdom of Morocco takes this opportunity to reaffirm its commitment to ongoing efforts to protect, promote and consolidate human rights at the national and international level, as well as its commitment to active and constructive participation in the Human Rights Council.

2. The Kingdom of Morocco reiterates its support for the universal periodic review mechanism in view of the possibilities it creates for the promotion of human rights throughout the world and the opportunities it offers for the exchange of expertise and best practices in this regard. As a cooperative mechanism, the universal periodic review is based on the principles of objectivity, transparency and equality, while respecting States' cultures and using them to enhance the protection and promotion of human rights, their universality and their interdependence, as underscored by Human Rights Council resolution 21/3 of 20 September 2012.

3. The Kingdom of Morocco received 244 recommendations during the interactive dialogue of the third cycle of the universal periodic review. Wide-ranging consultations were organized among the different stakeholders to define the Kingdom's official position on the recommendations, which are regarded as an assessment of its public policies and programmes aimed at protecting and promoting human rights.

4. The Kingdom of Morocco fully accepts 191 recommendations, 23 of which have already been implemented and 168 of which are currently being implemented as part of the State's scheduled reforms.

5. The Kingdom of Morocco has taken note of 44 recommendations, 18 of which it has partially rejected and 26 of which it has entirely rejected.

6. The Kingdom of Morocco does not accept 9 recommendations, since they fall within the mandate of the United Nations Security Council.

II. Engagement and cooperation with the United Nations human rights system

7. The Kingdom of Morocco regards accession to international human rights instruments and bolstering of cooperation and interaction with the United Nations system and its mechanisms as an essential means of promoting and protecting human rights. As mentioned in the national report, the Kingdom of Morocco has continued acceding to such instruments, especially the optional protocols to international treaties, and has boosted its interaction with United Nations human rights mechanisms such as special procedures and treaty bodies.

8. The Kingdom of Morocco observes certain key principles in its treaty-related practice, such as adoption of a progressive approach, creation of the necessary substantive conditions for accession to certain international instruments, such as legislative alignment and adoption of procedural measures that facilitate implementation of the instrument's provisions immediately after accession, as well as the principle of entering reservations to international treaties guaranteed by international human rights law.

III. The position of the Kingdom of Morocco on the recommendations made

9. During the interactive dialogue, the Kingdom of Morocco noted States' interest in the reforms undertaken during the reporting period, which coincided with the implementation of the provisions of the 2011 Constitution.

10. The Kingdom of Morocco underscores that its position of full or partial rejection or non-acceptance of recommendations has been taken in compliance with the principles and provisions of the Constitution and ratified international treaties.

11. The position of the Kingdom of Morocco on the recommendations made during the third cycle of the universal periodic review is presented below.

The Kingdom of Morocco accepts 23 recommendations which have been fully implemented.

12. A large proportion of these recommendations deal with the national legal framework for combating discrimination in general and discrimination against particular groups, abortion, employment of domestic workers, combating violence against and corporal punishment of children, and guaranteeing freedom of the press and of opinion. The recommendations also deal with some aspects of interaction with the United Nations human rights system and reform of the justice system.

13. As noted in the national report, the period under review was characterized by the implementation of the 2011 Constitution, particularly the provisions relating to consolidation of the legal and institutional framework for the protection and promotion of human rights. Accordingly, efforts focused on the alignment of domestic law with both the provisions of the Constitution and the country's international human rights obligations.

14. The following recommendations have been accepted since they have been fully implemented:

144.17, 144.29, 144.34, 144.35, 144.72, 144.73, 144.76, 144.78, 144.79, 144.90, 144.91, 144.114, 144.117, 144.121, 144.122, 144.127, 144.133, 144.135, 144.139, 144.159, 144.210, 144.226, 144.244.

The Kingdom of Morocco accepts 168 recommendations that are currently being implemented.

15. Some of these recommendations refer to treaty practice and strengthening of cooperation with United Nations human rights mechanisms. Their implementation is based on the approach of the Kingdom mentioned above (para. 2 of this document). The recommendations also deal with enhancement of the legal and institutional human rights framework, particularly in relation to gender equality, combating violence against women and empowering them economically, and promotion of the fundamental rights of vulnerable groups and disadvantaged areas, especially in terms of education, health, the rights of specific groups and cultural rights. The recommendations also address the harmonization of criminal legislation, enhancement of public liberties, elimination of torture, continuous implementation of the national policy on immigration, asylum and human trafficking and finalization of the relevant legal framework, continuation of the national dialogue on abolition of the death penalty, achievement of the goals of the National Sustainable Development Strategy, as well as improvement of human rights education and training, especially for law enforcement officers.

16. The following are the recommendations to the Kingdom of Morocco that are currently being implemented:

144.1, 144.4, 144.6, 144.7, 144.9, 144.10, 144.16, 144.19, 144.20, 144.23, 144.31, 144.33, 144.37, 144.38, 144.39, 144.40, 144.41, 144.42, 144.43, 144.44, 144.45, 144.46, 144.47, 144.48, 144.49, 144.50, 144.51, 144.52, 144.53, 144.54, 144.55, 144.56, 144.57, 144.59, 144.60, 144.62, 144.63, 144.64, 144.65, 144.66, 144.67, 144.69, 144.81, 144.82, 144.83, 144.84, 144.85, 144.86, 144.88, 144.93, 144.97, 144.98, 144.99, 144.102, 144.103, 144.104, 144.105, 144.106, 144.107, 144.108, 144.109, 144.110, 144.112, 144.115, 144.116, 144.121, 144.122, 144.123, 144.124, 144.125, 144.126, 144.128, 144.132, 144.136, 144.140, 144.141, 144.142, 144.143, 144.144, 144.145, 144.146, 144.147, 144.148, 144.149, 144.150, 144.151, 144.152, 144.153, 144.154, 144.155, 144.156, 144.157, 144.158, 144.160, 144.161, 144.162, 144.163, 144.164, 144.165, 144.166, 144.167, 144.168, 144.169, 144.170, 144.171, 144.172, 144.173, 144.174, 144.175, 144.176, 144.177, 144.178, 144.179, 144.180, 144.181, 144.182, 144.183, 144.184, 144.185, 144.186, 144.187, 144.188, 144.189, 144.190, 144.192, 144.193, 144.194, 144.195, 144.197, 144.198, 144.199, 144.200, 144.201, 144.202, 144.203, 144.204, 144.205, 144.206, 144.207, 144.208, 144.209, 144.211, 144.212, 144.214, 144.217, 144.218, 144.219, 144.220, 144.221, 144.222, 144.223, 144.224, 144.225, 144.227, 144.228, 144.229, 144.230, 144.231, 144.232,

144.233, 144.234, 144.235, 144.236, 144.237, 144.238, 144.239, 144.240, 144.241, 144.242.

The Kingdom of Morocco has taken note of the following recommendations which have been partially rejected.

17. **Accession to the Rome Statute of the International Criminal Court and alignment of national legislation with its provisions:** The Constitution criminalizes all acts that are characterized as crimes in the Rome Statute. The draft Criminal Code also criminalizes all crimes listed in the Statute, including genocide and crimes against humanity, and prescribes penalties that are in line with the provisions of the Statute. However, the substantive conditions for accession to the Rome Statute have not yet been established.

18. **Total abolition of capital punishment while maintaining the moratorium:** The Kingdom of Morocco underscores that it effectively put an end to executions in 1993. The legislative reforms mentioned in the national report reduce the number of crimes punishable by the death penalty and specify the conditions governing the handing down of such sentences. The national dialogue on the abolition of capital punishment is still in progress.

19. **Guaranteeing equality among all citizens regardless of their sexual orientation and identity, decriminalization of homosexual relations, and repealing some Family Code provisions on guardianship, marriage and inheritance:** The Kingdom of Morocco confirms that the Constitution enshrines the principle of equality among all citizens and has created mechanisms to protect equality. Domestic legislation criminalizes and punishes perpetrators of acts of violence and discrimination regardless of their causes, motives and the sexual, racial or religious orientation or identity of the victims. On the other hand, article 1 of the Constitution highlights the special framework established by the unifying components of the Moroccan nation, namely the moderate Muslim religion, multidimensional national unity, the constitutional monarchy and democratic choice. Accordingly, the Kingdom does not accept these recommendations since they conflict with the above-mentioned unifying components, namely decriminalization of consensual extramarital relations and homosexual relations, and repealing some Family Code provisions on guardianship, marriage, and inheritance. This position is fully consistent with the Kingdom's position on relevant international treaties, since it expressed its reservations regarding provisions concerning the aforementioned items which it does not support.

20. **Establishment of procedures for registration of civil society organizations and alignment of registration mechanisms with international standards:** As stated in its national report, the Kingdom of Morocco respects freedom of association in line with relevant constitutional and legal provisions. Moreover, supervision of the exercise of freedom of association throughout the country is conducted ex post facto through judicial monitoring, inasmuch as the legal system applicable to public liberties in Morocco, including freedom of association, is based on a permit system rather than a licensing system. However, the Moroccan State does not recognize the existence of a Saharawi people, as stated in the recommendations in question.

21. **Abolition of restrictive practices affecting Christians and other minorities, particularly with respect to religious practices and freedom of thought and conscience, in accordance with international law:** The Kingdom of Morocco is known for its openness, tolerance and respect for all creeds and religions. In view of its civilization, history, culture, Constitution and laws, and its obligations under relevant international instruments, Morocco guarantees to all residents, regardless of their nationalities and beliefs, the freedom to practise their religious rites and beliefs.

22. Just as Moroccan law guarantees the freedom to practise all religions without discrimination, since it is a land of openness, tolerance and freedom, the Kingdom of Morocco also punishes religious coercion, prevention of religious worship, the disruption or deliberate disturbance of any form of worship or religious ceremony, and the wreaking of damage on places of worship. In addition, the Kingdom refuses to exploit people's need for help and rejects the exploitation of underage children in educational or health-care institutions, shelters or orphanages.

23. The Kingdom has partially rejected the following recommendations:

144.12, 144.14, 144.15, 144.36, 144.58, 144.61, 144.75, 144.94, 144.95, 144.96, 144.101, 144.111, 144.130, 144.134, 144.138, 144.185, 144.191, 144.197.

The Kingdom of Morocco has taken note of the following recommendations, which it completely rejects:

24. **Recommendations concerning the repeal or reform of some legal provisions** that contravene the unifying components of the Moroccan nation referred to in the Constitution, as mentioned in the above section on partially rejected recommendations.

25. **Recommendations concerning the immediate and total abolition of the death penalty and accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights:** The Kingdom underscores that the issue of abolition of the death penalty is still the subject of an open national debate among relevant stakeholders.

26. **Recommendations to end the prosecution of journalists under laws other than the Press and Publications Code:** The Kingdom of Morocco underscores that freedom of opinion and expression is guaranteed by the Constitution and national legislation. The Press and Publications Code contains strong safeguards for this right, inasmuch as it has abolished penalties involving deprivation of liberty and replaced them with appropriate fines. It requires the States to protect journalists against assault and it has enhanced the role of the judiciary in protecting the freedom and independence of the press. However, the Kingdom of Morocco reaffirms its opposition to the total abolition of prosecution of journalists under the Criminal Code, since the prosecution of journalists in cases that fall outside the scope their professional duties should not be subject to this exception, in order to guarantee citizens' rights and the principle of equality before the law.

27. **Adherence to and alignment of legislation with the Arms Trade Treaty:** The Kingdom of Morocco points out that the provisions of the Treaty are not binding on the country since it had not yet acceded to it.

28. The Kingdom of Morocco completely rejects the following recommendations:

144.2, 144.3, 144.5, 144.8, 144.11, 144.13, 144.18, 144.32, 144.70, 144.71, 144.74, 144.77, 144.80, 144.89, 144.92, 144.100, 144.113, 144.118, 144.119, 144.129, 144.131, 144.137, 144.186, 144.213, 144.215, 144.216.

The Kingdom of Morocco does not accept the following recommendations since they fall within the mandate of the United Nations Security Council:

144.24, 144.25, 144.26, 144.27, 144.28, 144.30, 144.68, 144.87, 144.243.